

Appl. No. : 10/712,388  
Filed : November 12, 2003

### REMARKS

In response to the Office Action mailed on September 18, 2006, Applicants respectfully request reconsideration of the application. Claims 1-19 are pending. Applicant respectfully disagrees with the propriety of the Examiner's rejections and the Examiner's statements regarding the teachings of the cited art. Thus, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the following remarks and pass these Claims to allowance.

### COMMENTS

The Examiner rejected Claims 1-3, 7-9, 11, and 17-19 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Chen (U.S. Patent No. 5,960,952). The Examiner also rejected Claims 1-3, 5 - 9, 11, 12 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Chen and Meritt (U.S. Patent Pub. No. 2001/0011664). Further, the Examiner rejected Claims 4 and 10 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Chen and Hillsberg et al. (U.S. Patent No. 5,996,749). The Examiner rejected Claims 13 and 16 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Kelly, Trummer and Merritt. Moreover, the Examiner rejected Claim 14 under 35 U.S.C. §103(a) as being unpatentable over of Kelly, Trummer, Merritt and Hillsberg. Similarly, the Examiner rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over of Kelly, Trummer, Merritt and Shyr (U.S. Patent No. 5,967,270). The Examiner also rejected Claims 13 and 16 under 35 U.S.C. §103(a) as being unpatentable over of Kelly, in view of Chen and Meritt and/or Trummer. Applicant respectfully disagrees with the propriety of these rejections and respectfully requests that the Examiner withdraws the rejections and pass these claims to allowance.

### **The Examiner Has Not Met The Patent Office's Standards For Claim Rejections Under 35 U.S.C. § 103**

The Patent and Trademark Office has the burden under section 103 to establish a *prima facie* case of obviousness. *In re Piasecki*, 745 F.2d 1468, 1471-72 (Fed. Cir. 1984). Section 2143 of the M.P.E.P. states that to establish *prima facie* obviousness

three requirements must be met:

"To establish a prima facie case of obviousness, **three basic criteria** must be met. First, there must be **some suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be **a reasonable expectation of success**. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**.

**The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art**, and not based on the Applicant's disclosure."

It is also **impermissible for the Examiner to use hindsight** derived from the teachings in the present application to reject a claim. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999) (holding the Board impermissibly used hindsight in determining obviousness); see also, M.P.E.P., Sect. 2145, part X.A. In *Dembiczak*, the Federal Circuit reiterated that a determination of obviousness cannot simply rely on the inventor's disclosure as a "blueprint" without evidence of a suggestion, teaching or motivation in the prior art. *Dembiczak*, 175 F.3d 994, 999.

"Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in the case of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one 'to fall victim to the **insidious effect of a hindsight** syndrome wherein that which only the inventor taught is used against its teacher.'" *Id.* at 1617 (emphasis added) (quoting *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983)). Thus, "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *Id.*

The Examiner must not only assure that the requisite findings are made, **based on evidence**, but "must also explain the reasoning by which the findings are deemed to support the conclusion...." *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory

statements are insufficient. *Id.* at 1435. "Common knowledge and common sense,' even if assumed to derive from the [PTO's] expertise, do not substitute for authority when the law requires authority." *Id.* at 1436. The Examiner must make specific findings as to the understanding or principle within the knowledge of a skilled artisan that would have specifically motivated one with no knowledge of the invention to make the combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000).

"The suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness." *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457-58, 149 F.3d 1350 (Fed. Cir. 1998). "[V]irtually all [inventions] are combinations of old elements." *Id.* "If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention." *Id.* "To prevent the use of hindsight based on the invention to defeat patentability, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." *Id.* "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984)

Also, according to M.P.E.P. Section 706.02(j), "[t]he teaching and suggestion to make the claimed combination and the reasonable expectation for success must both be found in the prior art and **not based on the Applicant's disclosure.**" (Emphasis added).

When evaluating whether there exists motivation to combine or modify the teachings of the primary reference, it is well established that it is improper to combine references where the references teach away from their combination. See *In re Grasselli*, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983). The Court of Appeals for the

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Federal Circuit has stated that a reference teaches away if a "person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 31 U.S.P.Q. 2d 1130, 1131 (Fed. Cir. 1994). Furthermore, when the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. See *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

The fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness. MPEP 2143.01. The mere fact that references **can** be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682. See also *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992).

Similarly, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish *prima facie* obviousness. MPEP 2143.01. A statement that modifications of the prior art to meet the claimed invention would have been "**well within the ordinary skill of the art** at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See also *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (Court reversed obviousness rejection involving technologically simple concept because there was no finding as to the principle or specific understanding within the knowledge of a skilled artisan that would have motivated the skilled artisan to make the claimed invention); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

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Also, the proposed modification cannot render the prior art unsatisfactory for its intended purpose. MPEP 2143.01. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984) (Claimed device was a blood filter assembly for use during medical procedures wherein both the inlet and outlet for the blood were located at the bottom end of the filter assembly, and wherein a gas vent was present at the top of the filter assembly. The prior art reference taught a liquid strainer for removing dirt and water from gasoline and other light oils wherein the inlet and outlet were at the top of the device, and wherein a pet-cock (stopcock) was located at the bottom of the device for periodically removing the collected dirt and water. The reference further taught that the separation is assisted by gravity. The Board concluded the claims were *prima facie* obvious, reasoning that it would have been obvious to turn the reference device upside down. The court reversed, finding that if the prior art device was turned upside down it would be inoperable for its intended purpose because the gasoline to be filtered would be trapped at the top, the water and heavier oils sought to be separated would flow out of the outlet instead of the purified gasoline, and the screen would become clogged.).

Likewise, the proposed modification cannot change the principle of operation of a reference. MPEP 2143.01. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

Here, Applicant respectfully submits that the Examiner has not and cannot met these standards for making out a prima facie case of obviousness. Instead, Applicants respectfully submit that the Examiner has impermissibly used the Applicant's disclosure for piecing together the prior art and then impermissibly made a conclusory statement regarding any motivation to combine prior art references. The Applicant further respectfully submits that the Examiner has not provided any evidence of success in making the combination, not addressed possible teachings away, and not addressed the unrelatedness of the prior art references. Overall, Applicant respectfully submits that the rejections cannot stand.

**Rejection Of Claims 1-3, 7-9, 11, and 17-19 Under 35 U.S.C. § 103**

The Examiner rejected Claims 1-3, 7-9, 11, and 17-19 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Chen (U.S. Patent No. 5,960,952). Applicant respectfully traverses that rejection for the following reasons.

**The combination does not teach or suggest all the claim limitations**

The Examiner asserts that Trummer discloses "straps 510" that "secure the electronic device to the front portion." Applicant respectfully disagrees. Trummer refers to these as "inner side covers 510, which are attached to an inside surface of fabric covered rigid panel 512 of the bag 100." As shown in Figs. 8 and 9, inner side covers 510 either button directly to a computer or to a removable bag 900. Accordingly, Trummer's inner side covers 510 do not comprise a strap, let alone the claimed "retaining member with a variable length extending across a region of the front portion."

Also, Trummer does not disclose the straps as claimed in claims 1 and 7. The Examiner merely stated that "[a]t least two other straps 202, 310, 304, 306[,] 1902, 1904 are formed on the apparatus and allow a user to secure the apparatus to a person or a vehicle." Applicant respectfully disagrees. The Examiner cannot simply point to any strap and then conclude that it is the claimed straps of Claims 1 and 7. The Examiner must show that the straps meet all the limitations of Claims 1 and 7. The Examiner failed to do so and cannot make such a showing.

Trummer nowhere discloses that any of these straps can be used or adjusted to encircle at least a portion of a car set. Indeed, Trummer merely states that "it is contemplated that they should be adjustable to different body sizes, and this can be accomplished through the use of grommets 1906, as shown in FIG. 20, and/or 'length adjusters' (not shown) that can be integrated into the straps." Thus, the adjustability of Trummer's straps is insufficient to meet the Claim limitations.

Straps 310 and 304 of Trummer are for use in the "backpack arrangement," not in the "triangular" arrangement. Col. 7, ll. 28- 32. The Examiner has not shown how these straps meet the claim limitations. Trummer does not teach or suggest that these straps 310 and 304 are accessible or able to be somehow manipulated to be attached to anything when the bag of Trummer is opened in the "triangular" arrangement. The Examiner has not and cannot show that the straps 310 and 304 are "attached substantially near an edge of the upper apex" (Claim 1) or "attached substantially near a corner of the apparatus" (Claim 7). Thus, they cannot be the claimed first and second straps of Claims 1 and 7.

The Examiner's reference to strap 306 is erroneous. Trummer refers to 306 as "fasteners" not a strap. Col. 7, l. 32. Thus, 306 cannot be the claimed first or second straps of Claims 1 and 7.

Likewise, strap 202 fails to meet the claim language. Strap 202 of Trummer is a "shoulder strap." Col. 6, ll. 55-58. Neither it, nor strap 1902 or 1904 is attached substantially near the edge or corner as recited in the respective Claims 1 and 7. Instead, it is attached to the underside of the bag near the middle when in a mobile configuration. Moreover, these straps do not provide any independent stability or support, but rather require, as shown in Fig. 9, that a person actually hold the computer and bag in addition to the use of the strap 202.

Moreover, strap 202 is merely one strap, while both claims 1 and 7 recited two straps. The Examiner's reference to 1902 or 1904 does not rectify this deficiency. Straps 1902 and 1904 are referred to as "a strap arrangement 1902/1904, as shown in FIG. 19." Col. 12, ll. 4-15. Indeed, strap 1902 is nothing more than strap 202. "Strap 202 could be reconfigured with grommets, as previously described, to form from a

single piece strap 1902." *Id.* Moreover, 1904 merely connects the bag to strap 202/1904. *Id.* It is not an additional strap that is attached to the body.

Thus, the Examiner has failed to identify two separate straps meeting the claim language of Claims 1 and 7.

**There is no suggestion or motivation to combine references**

The Examiner stated that "Trummer does not show a retaining member with a variable length." The Examiner, however, stated that Chen shows a strap 32 or strap 36 to removably secure the computer. The Examiner concludes that "it would have been obvious to provide the removable strap to the front portion of Trummer to further secure the computer within the front panel." Applicant respectfully disagrees.

The Examiner's obviousness argument is insufficient because it merely states that the references can be combined or modified. MPEP 2143.01. The Examiner did not provide any teaching or suggestion or motivation for the combination from the references themselves. Instead, the Examiner merely states in a conclusory manner that it would be obvious "to further secure the computer within the front panel." This statement is not supported by any evidence or logic. The covers 510 and bag 100 of Trummer adequately secure the device in Trummer's mobile bag. There is no need, and the Examiner has not shown any, to "further secure" the device, nor is there any reason to replace the covers 510 and bag 100 of Trummer with the strap of Chen.

First, Chen relates to providing a "shock-proof and shake-proof" protective briefcase. Col. 1, ll. 5-9. It does not relate to an apparatus for mounting an entertainment device to a vehicle, and it does not relate to Trummer's mobile computing bag that can be "opened and adjusted to form a stable frame," Col. 4, ll. 20-45. It is therefore non-analogous art that cannot be used to make an obviousness rejection. *In re Clay*, 966 F.2d 656 (Fed. Cir. 1992). One of skill in the art of a platform for an entertainment device would not look to the "shock-proof and shake-proof" protective briefcase art. Chen teaches that five specific panel and layers are required to make the reinforced briefcase wherein the "laminated reinforcing layer is comprised of in sequence from outside to inside a hard shock-absorbing outer layer, a flexible thin plate, and a soft shock-absorbing inner layer such that a sandwich structure is formed in order to abut against the surfaces of said notebook computer contained in said



protective briefcase. Chen, Abstract; Col. 5, ll. 7-20. Thus, the briefcase of Chen is not a reference one of skill in the art of the present application would consider because its structure and function are completely different.

Second, the Examiner failed to show any specific suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine Trummer and Chen. Indeed, there is no suggestion or motivation to add the variable length straps of Chen to Trummer. The Examiner failed to show any suggestion about the desirability of the modification and none exist in Trummer.

The combination is improper also because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, MPEP 2143.01; *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). Adding the strap of Chen to Trummer would result in a strap that would obscure and interfere with the viewing and use of the computer screen / touch screen of Trummer. Trummer, Col. 11, ll. 8-10. This fact also supports that the proposed combination of the prior art would change the principle of operation of Trummer and therefore the references are not sufficient to render the claims *prima facie* obvious. MPEP 2143.01; *In re Ratti*, 270 F.2d 810 (CCPA 1959).

Also, Chen teaches away from the combination because it is concerned with a closed computer/laptop where no access is provided to the computer. Chen is concerned with keeping a laptop closed and secure inside a case, whereas the invention as claimed in Claims 1 and 7 relate, in part, to a platform for an open laptop. It is improper to combine references where the references teach away from their combination. See *In re Grasselli*, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983). This is especially improper here, because the claim recites that the entertainment device has a console portion and viewing portion hinged together. Chen teaches to keep such a hinged device closed and secure within a briefcase, while Trummer does not disclose or teach how such a device would be utilized in its bag at all.

Third, the Examiner failed to show any reasonable expectation of success by the combination. Indeed, the strap of Chen, if added to Trummer would obscure the computer screen of Trummer and would therefore be unacceptable. Trummer explicitly

states that "an arrangement of the bag 100 as shown in FIG. 8 *advantageously* provides a comfortable angle for working on the touch screen of laptop computer 502. . " Col. 11, ll. 8-10. Thus, the strap of Chen would not be acceptable because it would interfere with the viewing and touch screen operation of the computer of Trummer.

The Examiner is merely using impermissible hindsight. The Examiner's "broad conclusory statements" are not evidence sufficient to make out a proper prima facie case of obviousness. Thus, the Examiner failed to make out a prima facie case of obviousness of either Claim 1 or 7. Claims 2-3 and 17-19 depend from Claim 1 and thus include all limitations of Claim 1, as well as other limitations of particular utility. Thus, for at least the reasons stated above with respect to Claim 1, Applicant respectfully submits 2-3 and 17-19 are patentable. Claims 8-9 and 11 depend from Claim 7 and thus include all limitations of Claim 7, as well as other limitations of particular utility. Thus, for at least the reasons stated above with respect to Claim 7, Applicant respectfully submits 8-9 and 11 are patentable. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 1-3, 7-9, 11, and 17-19 and pass these claims to allowance.

**Rejection Of Claims 1-3, 5-9, 11, 12 and 17-19 Under 35 U.S.C. § 103**

The Examiner also rejected Claims 1-3, 5 – 9, 11, 12 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Chen and Meritt (U.S. Patent Pub. No. 2001/0011664). Applicant respectfully traverses that rejection for the following reasons.

Initially, Applicant respectfully submits that, per the discussion above, Trummer and Chen do not disclose all the limitations of independent Claims 1 and 7, there is no motivation to combine these references and there has been no showing of success in the combination.

The Examiner asserts, referring to Meritt, that "it would have been obvious to stabilize the bag of Trummer within the automobile by strapping the bag to a headrest and bottom anchor." Applicant respectfully disagrees.

First, neither Trummer nor Chen is related to or concerned with a bag for use in a car. The Examiner has failed to show any relationship between these references and a car. Trummer is related to a bag to be carried by a human, while Chen is related to a shock

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proof bag. They are non-analogous art. Claim 1 recites that the entertainment device has a console portion and viewing portion hinged together. Merritt makes no provision for straps that could be used with a bag that serves as a platform and a container for such a hinged device. Claim 7 recites that the apparatus has a closed and open configuration and a pivoting portion. Merritt has nothing to do with such features.

Second, there is no motivation to combine Trummer and Chen and Meritt. The Examiner failed to show a specific suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine Trummer and Chen and Meritt. There is no suggestion of the desirability or need to attach the straps of Merritt to the bag of Trummer. Trummer is not related to use in an automobile and Merritt is not related to a hinged entertainment device. The Examiner's conclusory statement that "it would have been obvious to stabilize the bag of Trummer within an automobile by strapping the bag to a headrest and a bottom anchor" is insufficient. That statement is not evidence. Moreover, there is no reason given why anyone would want to stabilize the bag of Trummer within an automobile. The only reason one would want to do so is found in Applicant's application. The Examiner cannot use the applicant's application as a roadmap for making the obviousness rejection.

The Examiner is merely using impermissible hindsight. The Examiner is using the Applicant's invention as a blueprint for combining the prior art. However, according to M.P.E.P. Section 706.02(j), "[t]he teaching and suggestion to make the claimed combination and the reasonable expectation for success must both be found in the prior art and ***not based on the Applicant's disclosure.***" (Emphasis added). The Examiner's "broad conclusory statements" are not evidence sufficient to make out a proper prima facie case of obviousness.

Again, the Examiner failed to make out a prima facie case of obviousness. Instead, the Examiner is inappropriately picking pieces from the prior art in hindsight and failing to provide any actual suggestion or motivation to combine the references. Applicants respectfully request that the Examiner withdraw this rejection and pass these claims to allowance.

**Rejection Of Claims 4 and 10 Under 35 U.S.C. § 103**

Further, the Examiner rejected Claims 4 and 10 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Chen and Hillsberg et al. (U.S. Patent No. 5,996,749). Applicant respectfully traverses that rejection for the following reasons.

Initially, Applicant respectfully submits that, per the discussion above, Trummer and Chen do not disclose all the limitations of independent Claims 1 and 7, there is no motivation to combine these references, and there has been no showing of success in the combination.

The Examiner relies on Hillsberg 18, 20 for a "bump covered by rubber material" and concludes that "it would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Trummer." Applicant respectfully disagrees. First, Claims 4 and 10 recite a front portion that includes "a bump covered by rubbery material." Hillsberg does not disclose a bump. Instead, it discloses "plurality of elongated support bars 18" and "one or more partition bars 20 adapted to be coupled to the frame's support bars." These bars abut the side of a device, not the bottom of a computer. Therefore, the addition of Hillsberg does not remedy the deficiencies of Trummer or Chen. The combination does not recite all the features claimed in Claims 4 and 10. Moreover, the Examiner failed to provide any specific motivation to combine these references. There is no suggestion of the desirability or need to add a bump to Trummer or Chen.

The Examiner is merely using impermissible hindsight. The Examiner's "[b]road conclusory statements" are not evidence sufficient to make out a proper prima facie case of obviousness.

Overall, the Examiner failed to make out a prima facie case of obviousness. Applicants respectfully request that the Examiner withdraw this rejection and pass these claims to allowance.

#### **Rejection Of Claims 13 and 16 Under 35 U.S.C. § 103**

The Examiner rejected Claims 13 and 16 under 35 U.S.C. §103(a) as being unpatentable over Trummer in view of Kelly, Trummer and Merritt. The Examiner also rejected Claims 13 and 16 under 35 U.S.C. §103(a) as being unpatentable over of Kelly, in view of Chen and Merritt and/or Trummer. Applicant respectfully traverses that rejection for the following reasons.

The Applicants have already discussed the deficiencies of Trummer, Merrit and Chen, the non-analogous nature of these references, and the lack of any motivation to combine them.

Further, the Examiner admits that "Kelly et al. does not show four strap portions as required by claim 13." Claim 13 requires "four straps attached to the panels for securing said suspension platform to at least one front seat." The Examiner relies on Trummer and Meritt for the teaching of the additional straps. As explained above, these references disclose the claimed straps and there is no motivation not combine all of these references. Kelly is a design patent and has no text. As such, Kelly cannot provide any basis or reason for any modification. The Examiner has not even attempted to provide such a motivation. The Examiner, again, merely states that "it would have been obvious to stabilize the bag of Kelly within an automobile" with straps. Kelly, however, does not discuss automobiles, stability or straps. There is nothing in Kelly addressing these.

The Examiner is merely using impermissible hindsight. The Examiner's "[b]road conclusory statements" are not evidence sufficient to make out a proper prima facie case of obviousness. The only reason a skilled artisan would want to attach straps to Kelly is in view of Applicants' disclosure.

Overall, the Examiner failed to make out a prima facie case of obviousness. Applicants respectfully request that the Examiner withdraw this rejection and pass these claims to allowance.

**Rejection Of Claim 14 Under 35 U.S.C. § 103**

Moreover, the Examiner rejected Claim 14 under 35 U.S.C. §103(a) as being unpatentable over of Kelly, Trummer, Merritt and Hillsberg and/or Chen. Applicant respectfully traverses that rejection for the following reasons.

The Examiner failed to make out a prima facie case of obviousness of Claim 13. Claim 14 depends from Claim 13 and thus include all limitations of Claim 13, as well as other limitations of particular utility. Thus, for at least the reasons stated above with respect to Claim 13, Applicant respectfully submits the Claim 14 is patentable. Moreover, Applicant has already shown by Hillsberg does not disclose the bump recited

in Claim 14. Thus, Applicant respectfully requests that the Examiner withdraw the rejection and pass this claim to allowance.

**Rejection Of Claim 16 Under 35 U.S.C. § 103**

Similarly, the Examiner rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over of Kelly, Trummer, Merritt and Shyr (U.S. Patent No. 5,967,270). Applicant respectfully traverses that rejection for the following reasons.

Applicants have already discussed the deficiencies of Kelly, Trummer and Merritt. Moreover, Shyr is directed to a an easily portable combination briefcase and personal computer bag assembly can be either carried in a conventional manner with an appropriate handle on the top member, or pulled with an extendable handle so that the briefcase will roll across a support surface. It is in no way related to applicants' inventions.

The Examiner failed to make out a prima facie case of obviousness of Claim 13. Claim 16 depends from Claim 13 and thus includes all limitations of Claim 13, as well as other limitations of particular utility. Thus, for at least the reasons stated above with respect to Claim 13, Applicant respectfully submits the Claim 16 is patentable. Thus, Applicant respectfully requests that the Examiner withdraw the rejection and pass this claim to allowance.

**CONCLUSION**

In view of the foregoing remarks, the Applicants submit that this application is in condition for allowance, and respectfully request the same. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. No acquiescence or estoppel is or should be implied by any arguments; such arguments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. If, however, some issue remains that the Examiner feels can be addressed by an Examiner's Amendment of if the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to call the undersigned to discuss.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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